

Attorney Docket No: CYPR-023/01US

PATENT

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC FATIGUE SYNDROME AND PAIN

the specification of which:

(check one)

is attached hereto and bears Attorney Docket No. CYPR-023/01US;

was filed as United States Application Serial No. 10/028,547 on December 19, 2001, and was amended on        (if applicable);

was filed as PCT International Application No.        on        and was amended under PCT Article 19 or Article 34 on        (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Application Number) (Filing Date) (day, month, year)

(Application Number) (Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)	Pending	Patented	Abandoned
10/014,149	November 5, 2001	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)		
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:** Jay D. Kranzler

Inventor's signature J. D. Kranzler

Residence: 7935 Via Capri  
La Jolla, CA 92037

Citizen of: United States

Post Office Address: Same

Date 3/16/02

**Full name of second inventor:** Srinivas G. Rao

Inventor's signature S. G. Rao

Residence: 11590 Jaguar Ct.  
San Diego, CA 92131

Citizen of: United States

Post Office Address: Same

Date 3/12/02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant: Jay D. Kranzler and Srinivas G. Rao**

**Serial No.: 10/028,547**

**Art Unit: 1614**

**Filed: December 19, 2001**

**Examiner: R. Cook**

**For: METHODS OF TREATING FIBROMYALGIA, CHRONIC FATIGUE  
SYNDROME AND PAIN**

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
AND REVOCATION OF PRIOR POWERS**

**Sir:**

As owner of the entire interest in the above-identified patent application, as evidenced by the attached Statement Under 37 C.F.R. § 3.73(b), all powers of attorney previously given are hereby revoked and the following attorneys and agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Patreo L. Pabst	Registration No. 31,284
Zhaoyang Li	Registration No. 46,872
Rivka D. Monheit	Registration No. 48,731
Todd S. Hofmeister	Registration No. P-53,029

U.S.S.N. 16/028,547  
Filed: December 19, 2001  
Power of Attorney by Assignee of Entire Interest  
and Revocation of Prior Powers

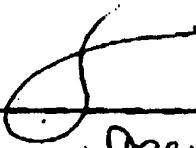
Please send all correspondence relating to the above-identified patent application to:

Customer No. 23579  
Patrea L. Pabst  
**HOLLAND & KNIGHT LLP**  
Suite 2000, One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400

(404) 817-8473 (Telephone)  
(404) 817-8588 (Fax)

The undersigned signatory (whose title is supplied below) is empowered to act on behalf of the assignee identified below, and has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of the undersigned's knowledge and belief, title is in the assignee.

**CYPRESS BIOSCIENCE, INC.**

By: 

Printed Name: SABRINA JOHNSON

Title: CFO

Date: 02.04.03

ATL1 #563038 v1

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Jay D. Kranzler and Srinivas G. RaoApplication No./Patent No.: 10/028,547 Filed/Issue Date: December 19, 2001Entitled: METHODS OF TREATING FIBROMYALGIA, CHRONIC FATIGUE SYNDROME AND PAINCypress BioScience, Inc., a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

02.04.03

Date

SABRINA JOHNSON

Typed or printed name

Signature

(FO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



JUNE 07, 2002

PTAS

Commissioner for Trademarks  
Arlington, VA 22202-3513  
[www.uspto.gov](http://www.uspto.gov)

COOLEY GODWARD LLP  
ANIE K. ROCHE, PH.D.  
3000 EL CAMINO REAL  
FIVE PALO ALTO SQUARE  
PALO ALTO, CA 94306-2155



\*102052561A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/27/2002

REEL/FRAME: 012773/0222

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

KRANZLER, JAY D.

DOC DATE: 03/19/2002

ASSIGNEE:

RAO, SRINIVAS G.

DOC DATE: 03/19/2002

ASSIGNEE:

CYPRESS BIOSCIENCE, INC.  
4350 EXECUTIVE DRIVE  
SUITE #325  
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 10028547

FILING DATE: 12/19/2001

PATENT NUMBER:

ISSUE DATE:

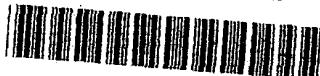
PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

RECEIVED

JUN 13 2002  
②

COOLEY GODWARD LLP

04-12-2002



To the honorable Commissioner of Patents and 102052561

ached original documents or copy thereof.

1. Name of conveying party(ies):

Jay D. KRANZLER  
Srinivas G. RAO

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of Conveyance:

[X] Assignment  Merger  
 Security Agreement  Change of Name  
 Other:

2. Name and address of receiving party(ies):

Cypress Bioscience, Inc.  
4350 Executive Drive, Suite #325  
San Diego, CA 92121

Additional name(s) attached?  Yes  No

Execution Dates: 03/19/2002

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: :

A. Patent Application No.(s): 10/028,547

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Patent Group  
Cooley Godward LLP  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155

6. Total number of application and patents involved: 2

7. Total Fee (37 CFR 3.41)..... \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 03-3117  
(Attach duplicate copy of this page if paying by deposit account)

04/12/2002 BYRNE 00000280 10028547

DO NOT USE THIS SPACE

01 03/18 Statement and signature. 40.00 00

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Reg. No.: 50,512 Name of Person Signing: Anie K. Roche, Ph.D.

Signature: Anie Roche Date: March 24, 2002

Total number of pages including cover sheet, attachments, and document: 4

Express Mail Label No. EL514040670US Date of Deposit: March 27, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Date: 27 March 2002 By: Vladimir Skliba

Vladimir Skliba

**ASSIGNMENT**  
(Joint)

Jay D. KRANZLER, residing at 7935 Via Capri, La Jolla, CA 92037 and Srinivas G. RAO, residing at 11590 Jaguar Ct., San Diego, CA 92131 (each referred to as "Assignor") have made an invention(s) (the "Invention(s)") set forth in an application for patent of the United States, entitled **METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC FATIGUE SYNDROME AND PAIN**, and which is a:

- (1)  provisional application
  - (a)  to be filed herewith; or
  - (b)  bearing Application No. , and filed on ; or
- (2)  non-provisional application
  - (a)  to be filed herewith; or
  - (b)  bearing Application No. 10/028,547, and filed on December 19, 2001.

**WHEREAS**, Cypress Bioscience, Inc., a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 4350 Executive Drive, Suite #325, San Diego, CA 92121 (the "Assignee"), is desirous of acquiring the entire right, title, and interest in: the Invention(s); the application for patent identified in paragraph (1) or (2); the right to file applications for patent of the United States or other countries on the Invention(s); any application(s) for patent of the United States or other countries claiming priority to these application(s); and any patent(s) of the United States or other countries that may be granted therefor or thereon.

**NOW, THEREFORE**, for good and sufficient consideration, the receipt of which is hereby acknowledged, and to the extent that the Assignor has not done so already via a prior agreement with the Assignee, or if the Assignor has already done so via a prior agreement with the Assignee then in confirmation of any obligation to do so in said prior agreement, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns, the Assignor's entire right, title, and interest in:

- (a) the Invention(s);
- (b) the application for patent identified in paragraph (1) or (2);
- (c) the right to file applications for patent of the United States or other countries on the Invention(s), including all rights under the Paris Convention for the Protection of Industrial Property and under the Patent Cooperation Treaty;
- (d) any application(s) for patent of the United States or other countries claiming the Invention(s);

- (e) any application(s) for patent of the United States or other countries claiming priority to the application for patent identified in paragraph (1) or (2) or any application(s) for patent claiming the Invention(s), including any division(s), continuation(s), and continuation(s)-in-part; and
- (f) any patent(s) of the United States or other countries that may be granted for or on any application for patent identified in the preceding paragraphs (b) – (e), including any reissue(s) and extension(s) of said patent(s).

The above-granted rights, titles, and interests are to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made.

The Assignor hereby represents to the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, or if applicable, at such time said prior agreement was executed, the Assignor is a lawful owner of an undivided interest in the entire right, title, and interest in and to the Invention(s), that the Invention(s) are unencumbered, except, if applicable, by obligation to assign in accordance with said prior agreement, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner set forth herein.

The Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that the Assignor will sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done in connection with any and all proceedings for the procurement, maintenance, enforcement and defense of the Invention(s), said applications, and said patents, including interference proceedings, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns.

The Assignor hereby authorizes and requests the attorneys of COOLEY GODWARD L.L.P. to insert in the spaces provided above the filing date, the application number, and the attorney docket number of the application identified in paragraph (1) or (2) when known.

The Assignor hereby requests the Commissioner of Patents to issue said patents of the United States to the Assignee for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date: March 19, 2002

By:

Jay D. Kranzler

Jay D. KRANZLER

State of California)

ss.

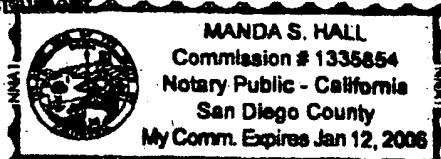
County of San Diego)

On March 19, 2002, before me, Manda S. Hall, Notary Public, personally appeared Jay Kranzler, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Manda S. Hall

Signature of Notary Public



Place Notary Seal Above

Date: March 19, 2002

By:

Srinivas G. RAO

Srinivas G. RAO

State of California)

ss.

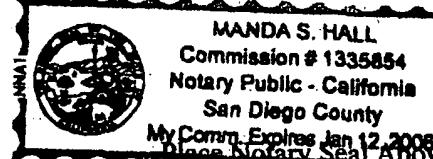
County of San Diego)

On March 19, 2002, before me, Manda S. Hall, Notary Public, personally appeared Srinivas Rao, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Manda S. Hall

Signature of Notary Public



Place Notary Seal Above